IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2192 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/12/2004 in WP NO : 22709 OF 2004 on the file of the High Court.)

Between:

Smt.K.Bala Bai, w/o S.A.Bhussain, 50 years, working as C.T.O.

Audi (Under suspension) Kurnool.

..... APPELLANT

AND

1.The Government of A.P. represented by its Principal

Secretary, Social Welfare (CV.2) Department, Secreta-

riate, Hyderabad.

2.The District Collector and District Magistrate, Nellore.

.....RESPONDENTS

Counsel for the Appellant: MR.P.V.RAMANA

Counsel for the Respondents.:G.P. FOR SOCIAL WELFARE

The Court made the following :

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ORDER: (Per the Honourable Sri Justice S.Ananda Reddy)

This appeal is filed by the writ petitioner-appellant aggrieved by the order of the learned single in not suspending the order passed by the 2nd respondent pending disposal of the appeal before the 1st respondent.

The writ petitioner is the appellant. She claims that she belongs to Lambada, which is one of the notified communities in the schedule tribe category. Basing on that, she secured employment in Commercial Tax Department. Though at the time of appointment necessary enquiries were conducted, it appears that on a complaint by a third party, the employer referred the matter to the 2nd respondent who initiated the enquiry and that after completion of the enquiry, an order was passed by him on 9.10.2004, declaring that the appellant does not belong to Lambada and cancelling the certificate issued in her favour.

Under the provisions of section 7 of the Andhra Pradesh (S.C. S.T. & B.Cs.) Regulation of Issue of Community Certificates Act 1993 and Rules 1997, a statutory appeal is provided before the 1st respondent who has also got the power of staying the operation of the impugned order. The appellant, in fact, has filed an appeal before the 1st respondent along with a stay petition, but the said stay petition was rejected without giving detailed reasons.

The learned single Judge after considering the contentions, though set aside the order of the 1st respondent refusing to grant stay, but, however, without granting stay of operation of the order of the 2nd respondent, dated 9.10.2004, directed the appellate

authority to dispose of the appeal within a period of four months. Hence, the present appeal is preferred by the appellant.

The learned counsel for the appellant contended that as the regular statutory appeal is pending before the 1st respondent, it is in the interests of justice to maintain status quo pending disposal of the appeal and sought for appropriate orders.

Heard the learned counsel.

As the order passed by the 2nd respondent is the subject matter of the statutory appeal, we are of the opinion that the order of the 2nd respondent impugned herein, shall not be given effect pending disposal of the appeal.

In view of the same, the order of the 2nd respondent in R.C.No:C5(M)4161/93, dated 9.10.2004, is suspended till the disposal of the statutory appeal before the 1st respondent.

Accordingly, modifying the order of the learned single judge to the extent as indicated above, this writ appeal is disposed of.

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Justice T.Meenakumari

30th December, 2004

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justice S.Ananda Reddy

Gurc.

To

1.The Government of A.P. represented by its Principal

Secretary, Social Welfare (CV.2) Department, Secreta-

riate, Hyderabad.

2.The District Collector and District Magistrate, Nellore.

3.Two C.Cs to the G.P. for Social Welfare, High Court Buildings,

High Court of A.P. Hyderabad. (OUT)

4. Two CD copies.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No:2192 of 2004

(order pronounced by Sri Justice S.Ananda Reddy.)

30th December, 2004